



US Army Corps
of Engineers
Alaska District

Regulatory Division (1145)
CEPOA-RD
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

Public Notice of Application for Permit

PUBLIC NOTICE DATE: August 6, 2008

EXPIRATION DATE: September 5, 2008

REFERENCE NUMBER: POA-1986-106-M5

WATERWAY: Lynn Canal

Interested parties are hereby notified that a Department of the Army (DA) permit application has been received for work in waters of the United States (U.S.) as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Richard G. Jackson at (907) 790-4490, or by email at richard.g.jackson@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Yankee Cove Development, LLC, Post Office Box 210447, Auke Bay, Alaska, 99821-0447.

LOCATION: NW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 7, T. 38 S., R. 64 E., Copper River Meridian; Latitude 58.590° North, Longitude 134.901° West, Juneau C-3 Quadrangle, in Yankee Cove, Lynn Canal, Alaska.

PURPOSE: The applicant's stated purpose is to construct an extension to an existing rock breakwater to further protect a previously permitted project from the effects of heavy wave action.

The applicant has also proposed to alter the project purpose to provide for the ability to dispense fuel from the existing floating dock, superseding Special Condition Number 2, of the DA permit that was issued on March 16, 1987.

PROPOSED WORK: Applicant proposes to discharge approximately 12,000 cubic yards of shot rock fill material, rip rap, and armor rock into an irregular footprint of up to approximately 0.6 acres of waters and navigable waters of the U.S. The proposed breakwater addition would be approximately 150 feet long at the top, up to 107 feet wide at the base, 15 feet wide at the top, and would range from 34 to 46 feet high, depending on bottom contour. The composition of the proposed breakwater would consist of an inner core of 18" minus shot rock (5,000 cubic yards), covered by a layer of 24" minus shot rock (3,800 cubic yards), with an armoring of 60" armor rock on the seaward facing side of the proposed breakwater (3,200 cubic yards). Proposed installation would be by an excavator placing the fill material and rip rap.

The applicant also proposes to install a buried two inch diameter fuel line within the staging pad above the floating dock, a shut off valve, and an above ground one and one half inch diameter fuel line attached to the existing access ramp to the float. This fuel line would terminate at a fuel hose dispense reel located on the float at the base of the ramp.

All work would be performed in accordance with the enclosed plans (Sheets 1-2 of 2 dated March 18, 2008, and Sheets 1-2 of 2 dated July 7, 2008).

ADDITIONAL INFORMATION: The applicant has been coordinating this proposed project with National Marine Fisheries Service (NMFS) as a means to utilize portions of the proposed project for ways to increase available fish habitat in marine waters near Bessie Creek.

The DA permit 1-1986-0106, Lynn Canal 28, was issued on July 8, 1986, to moor a 12' X 80' wood-decked steel float dock anchored in place, and a 5' X 70' ramp walkway extending from a concrete abutment to the dock. On March 16, 1987, the permit was modified (POA-1986-106-M1) to reposition the facility, and the following four conditions were incorporated into the DA permit: 1) that public access shall be maintained along the Yankee Cove and Lynn Canal shorelines; 2) that petroleum products shall not be stored on or dispensed from the walkway or the moorage float; 3) that any petroleum products stored on the uplands shall be contained so as to avoid discharge into wetlands and tidelands; and 4) that season installation of the facility shall not occur during the period April 15-May 15. On April 14, 1995, modification number POA-1986-106-N was issued to extend the permit expiration date to March 31, 1998.

On December 13, 2004, permit was modified (POA-1986-106-O) to authorize the dredging of approximately 20,800 cubic yards of marine sand and gravel from a 70,000 square foot area in the moorage basin and to place 9,300 of that dredged material and 4,100 cubic yards of shot rock into a 30,000 square foot area bounded by a 150 foot wide vertical seawall comprised of H-piles extending an average of 200 feet channelward of the high tide line. Included here was installation of ten steel piles, a 20' X 80' floating dock, a 10' X 80' gangway, and a 30 foot wide concrete boat-launching ramp

On June 8, 2006, the permit was modified (POA-1986-106-P) to place 4,000 cubic yards of fill into navigable waters and waters of the U.S. for construction of a rock breakwater.

For additional information, please contact Mr. Marion Hobbs, Post Office Box 210447, Auke Bay, Alaska 99821-0447, or call (907) 789-5856.

MITIGATION: In response to a July 11, 2008, request for information now required by the final mitigation rule (which became effective on June 9, 2008), the applicant provided the enclosed letter (see Sheet 1 of 1 dated July 15, 2008).

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Division of Coastal and Ocean Management, Department of Natural Resources has concurred with the applicant's certification.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Officer (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity may affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

Preliminarily, the described activity may affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important

resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:

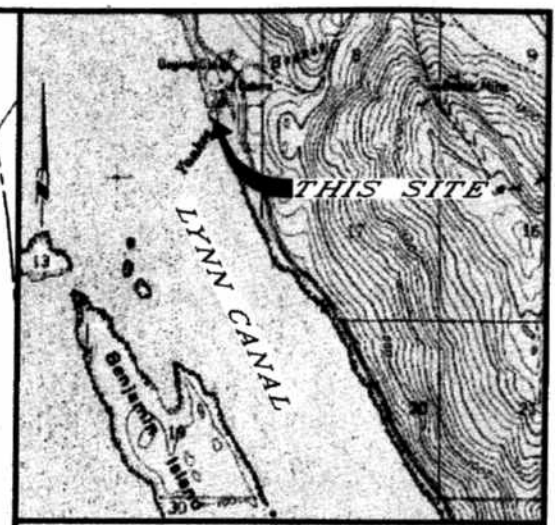
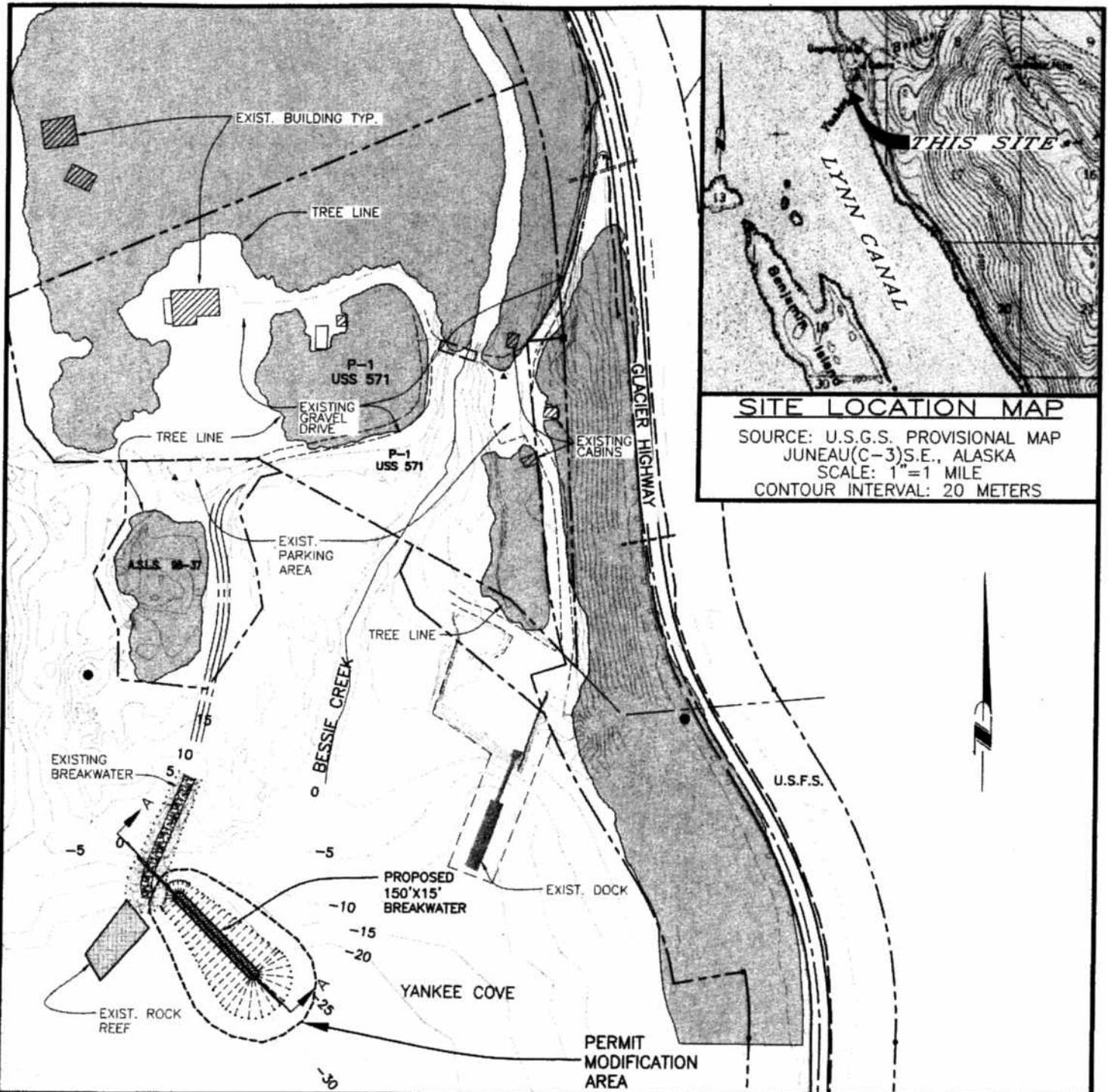
(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures



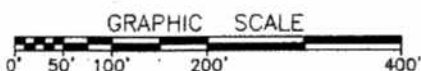
SITE LOCATION MAP

SOURCE: U.S.G.S. PROVISIONAL MAP
 JUNEAU(C-3)S.E., ALASKA
 SCALE: 1"=1 MILE
 CONTOUR INTERVAL: 20 METERS



**LYNN CANAL
 TIDAL DATA**

HTL 19.7'
 MHW 14.8'



SHEET INDEX

SHT.	DESCRIPTION
1	SITE LOCATION MAP
2	SITE CROSS SECTION

**PROPOSED ROCK BREAKWATER
 SITE LOCATION MAP**

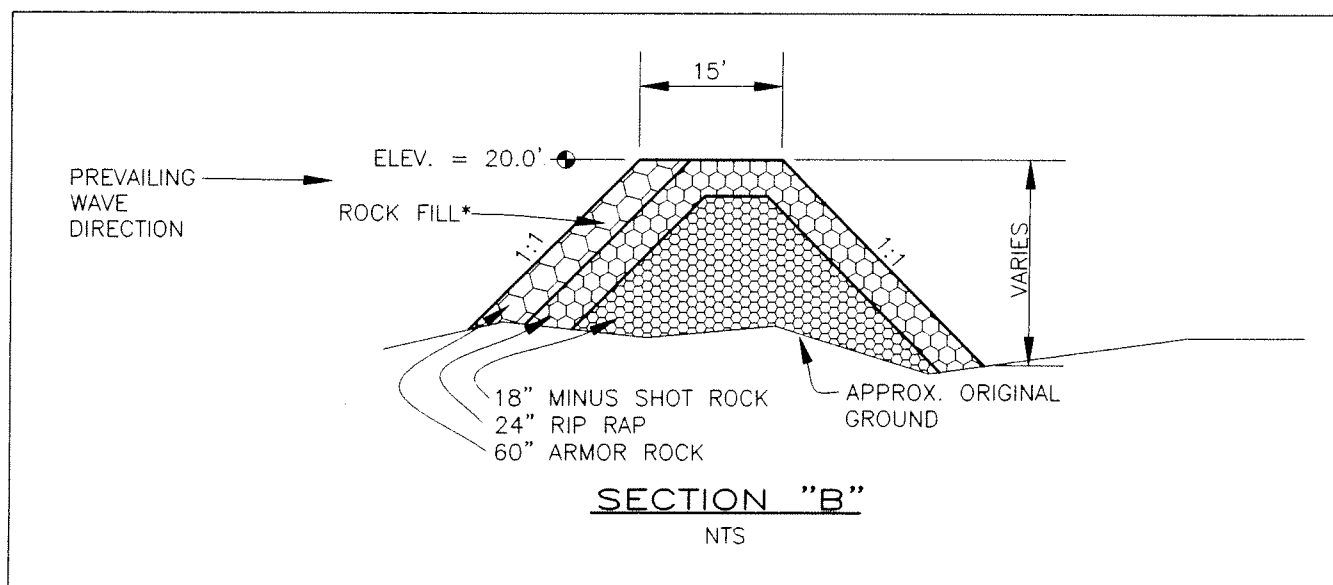
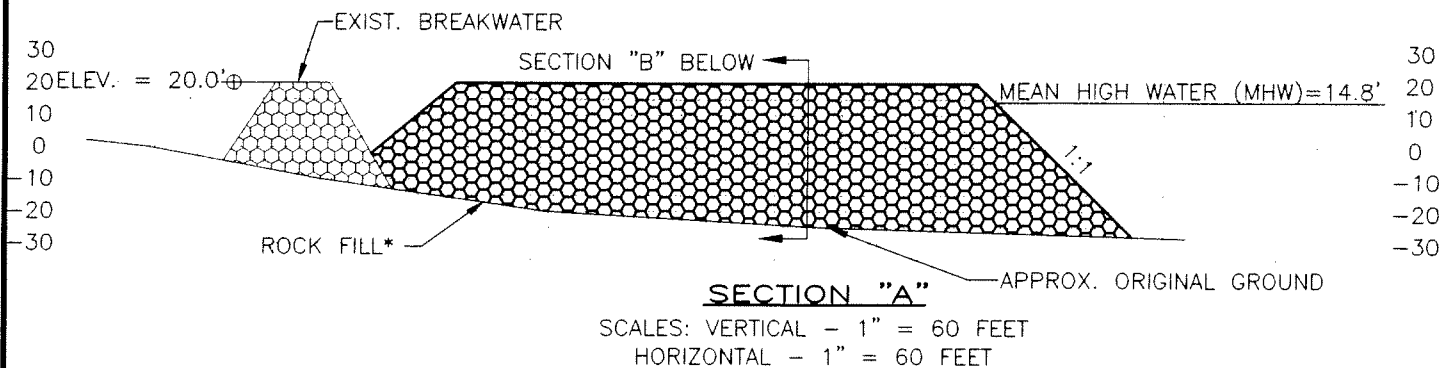
REF. #POA-1986-106-P-M

IN: FAVORITE CHANNEL

AT: JUNEAU, ALASKA

APPLICANT: YANKEE COVE DEV. LLC
 PO BOX 210447
 AUKE BAY, AK 99821

DATE: MARCH 2008 SHEET 1 OF 2

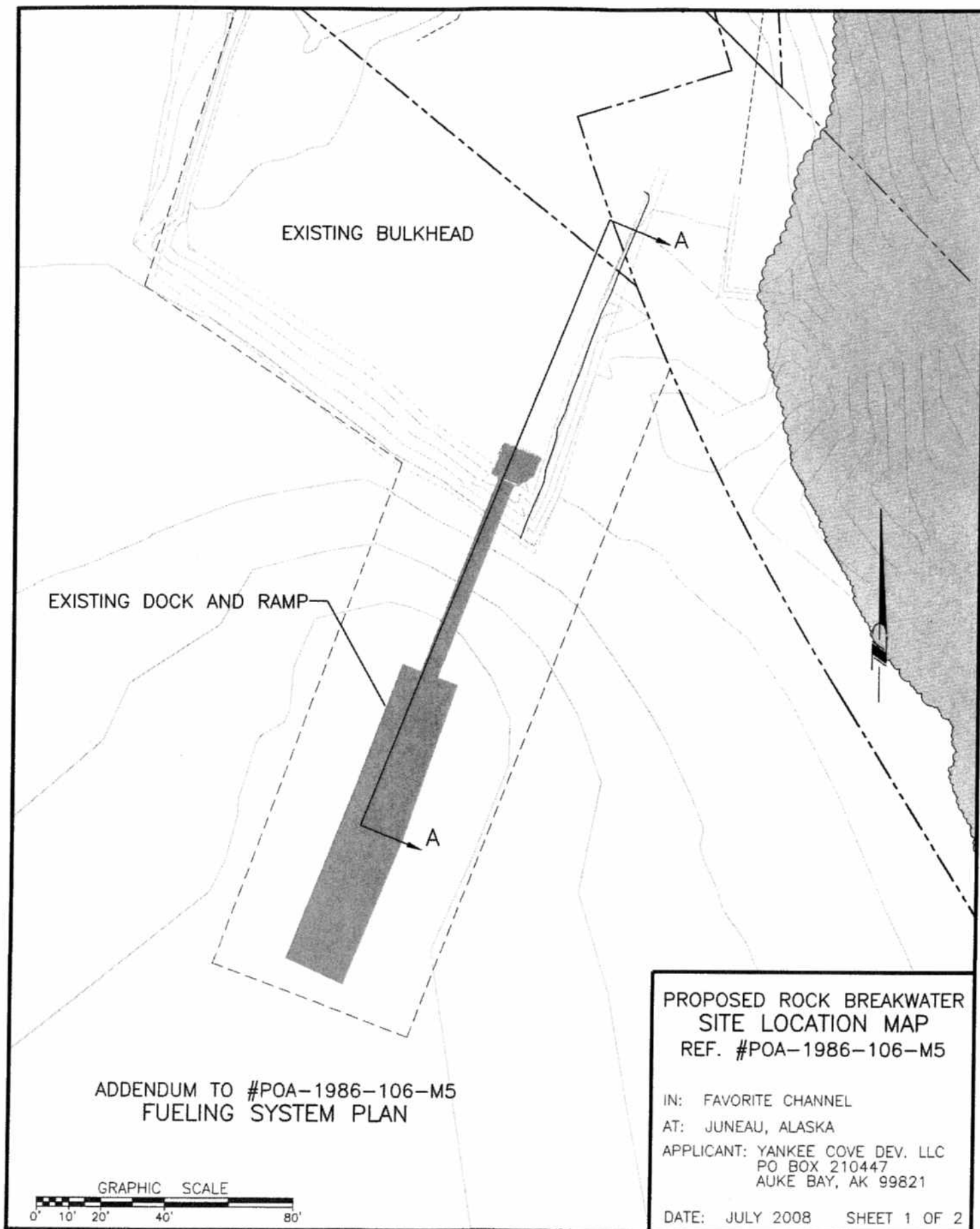


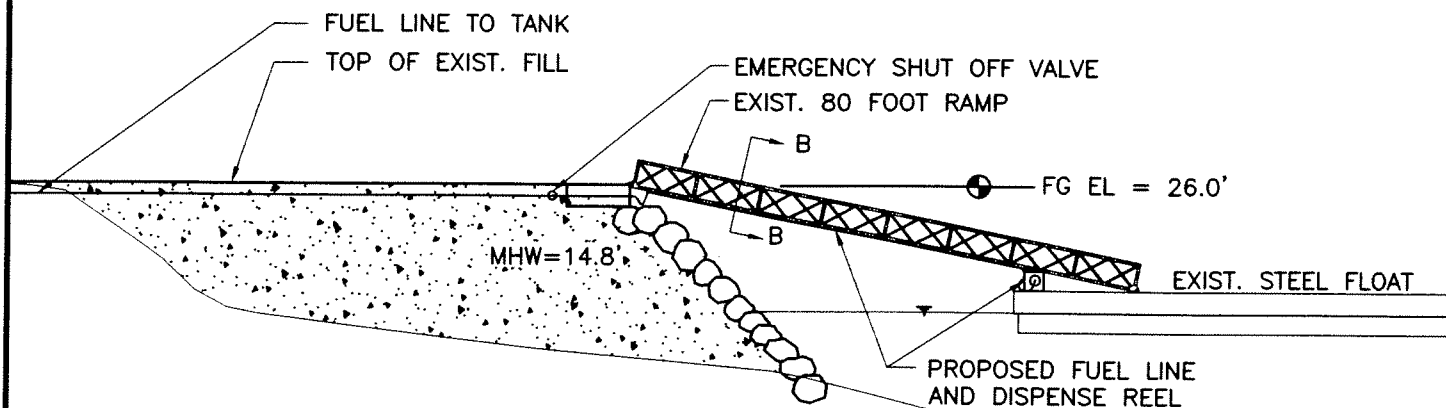
PROPOSED ROCK BREAKWATER
SITE CROSS SECTIONS
REF. #POA-1986-106-P-M

Yankee Cove Development, LLC
POA-1986-106-M5
Lynn Canal 3/18/2008 Sheet 2 of 2

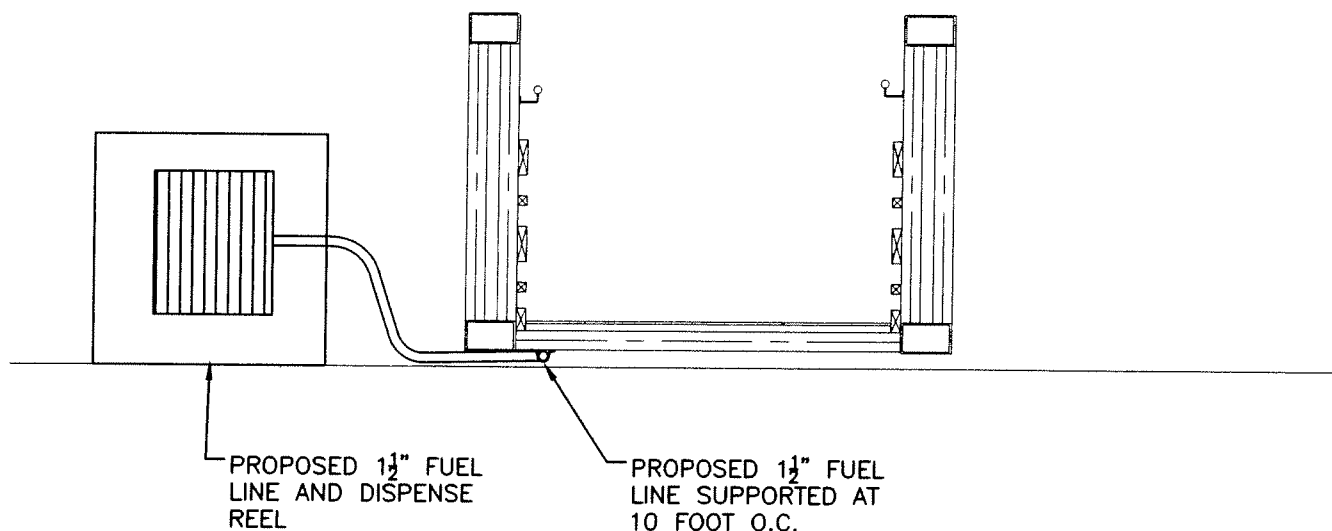
IN: FAVORITE CHANNEL
AT: JUNEAU, ALASKA
APPLICANT: YANKEE COVE DEV. LLC
PO BOX 210447
AUKE BAY, AK 99821

DATE: MARCH 2008 SHEET 2 OF 2





SECTION A - A
NTS



SECTION B - B
NTS

ADDENDUM TO #POA-1986-106-M5
FUELING SYSTEM PLAN

Yankee Cove Development, LLC
POA-1986-106-M5
Lynn Canal 7/07/2008 Sheet 2 of 2

PROPOSED ROCK BREAKWATER
SITE CROSS SECTIONS
REF. #POA-1986-106-P-M

IN: FAVORITE CHANNEL
AT: JUNEAU, ALASKA
APPLICANT: YANKEE COVE DEV. LLC
PO BOX 210447
AUKE BAY, AK 99821

DATE: JULY 2008 SHEET 2 OF 2

YANKEE COVE DEVELOPMENT, LLC

P.O. Box 210447
Auke Bay, AK 99821
Phone (907)789-5856

July 15, 2008

Richard G. Jackson
Department of the Army
U.S. Army Engineer District, Alaska
Juneau Regulatory Office
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

RECEIVED

JUL 15 2008

CENPA - (C) - R - E - JFC
Alaska District Corps of Engineers

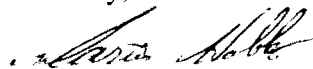
Re: POA-1986-106-M5

Dear Mr. Richard Jackson,

This is a project that will continue to benefit Yankee Cove Development as well as the agencies concerned with marine habitat in Northern Lynn Canal. The project consists of extending a rock breakwater to help protect an existing dock facility at Yankee Cove. The first phase of the breakwater was approved because the increase in large rock would provide additional habitat for marine life in the area. The USFWS conducted a dive survey at the project site on August 10, 2004 and found that the "overall abundance and diversity of organisms present along the (dive) transect was low." Since this dive, the breakwater has grown a plethora of organisms and is providing the desired marine habitat. This project is also very similar to the mitigation that occurred between the State of Alaska DOT and NMFS last winter. The DOT agreed to build two artificial reefs in Yankee Cove (right next to the breakwater in question) as mitigation for the highway project beyond Echo Cove. The project consisted of placing large rock on the ocean floor to increase areas for marine habitat to thrive.

The breakwater extension will be constructed in the same way as the existing one except for the slopes because Susan Walker, NMFS, requested that they be less steep to provide even more surface area for increased habitat. This modification will be more expensive to build however; it is our desire to work with the agencies to ensure all parties are satisfied.

Sincerely,



Marion Hobbs, member
Yankee Cove Development, LLC

Yankee Cove Development, LLC
POA-1986-106-M5

Lynn Canal 7/15/2008 Sheet 1 of 1

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES DIVISION OF COASTAL AND OCEAN MANAGEMENT

DIVISION OF COASTAL AND OCEAN MANAGEMENT
POST OFFICE BOX 111030, MS 1030
JUNEAU, ALASKA 99811-1030
PHONE: (907) 465-3562/FAX: (907) 465-3075

NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Division of Coastal and Ocean Management for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-1986-106-M5, Lynn Canal, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Division of Coastal and Ocean Management (DCOM). For information about this consistency review, contact DCOM at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us/Projects/projects.html>.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1986-106-M5, Lynn Canal, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.